

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

APPLE INC.,

Plaintiff,

V.

AMAZON.COM, INC., et al.,

Defendants.

Case No.: C11-1327 PJH (JSC)

**ORDER CLARIFYING REQUIRED
DECLARATION TO SUPPORT
PLAINTIFF'S MOTION TO FILE
PORTIONS OF REPLY UNDER
SEAL (Dkt. No. 80)**

Now pending before the Court is Plaintiff's administrative motion to file portions of Plaintiff's Reply in Support of the Motion to Compel Discovery under seal pursuant to Local Rule 79-5. (Dkt. No. 80.) The Court previously noted that L.R. 79-5(d) requires Defendant to "file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality." (Dkt. No. 86.) To further clarify, simply stating that a document "has been designated by Amazon as CONFIDENTIAL—ATTORNEY'S EYES ONLY or HIGHLY CONFIDENTIAL—OUTSIDE COUNSEL ONLY under the Stipulated Protective Order" and then listing the documents in question (Dkt. No. 82) does not meet the requirements of L.R. 79-5(d). L.R. 79-5(a) states that "[a] stipulation, or blanket protective order that allows a party to designate documents as

1 sealable, will not suffice to allow the filing of documents under seal.” Reference to such a
2 stipulation is therefore insufficient. To be sufficient, the designating party—here, Amazon—
3 must file a declaration establishing *why* portions of each document or exhibit are confidential
4 and thus should be filed under seal.

5 **IT IS SO ORDERED.**

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7 Dated: August 20, 2012

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11 Jacqueline S. Corley
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13 JACQUELINE SCOTT CORLEY
14 UNITED STATES MAGISTRATE JUDGE
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